

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ROBERT S. CHARLAP, M.D.**

4 Holder of License No. 31256
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-04-1339A

**CONSENT AGREEMENT FOR
SURRENDER OF ACTIVE LICENSE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical
9 Board ("Board") and Robert S. Charlap, M.D. ("Respondent"), the parties agreed to the
10 following disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter and has done so or chooses not to do so.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Upon signing this agreement, and returning this document (or a copy
4 thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of
5 the Consent Agreement. Respondent may not make any modifications to the document.
6 Any modifications to this original document are ineffective and void unless mutually
7 approved by the parties.

8 6. This Consent Agreement, once approved and signed, is a public record that
9 will be publicly disseminated as a formal action of the Board and will be reported to the
10 National Practitioner Data Bank and to the Arizona Medical Board's website.

11 7. If any part of the Consent Agreement is later declared void or otherwise
12 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
13 force and effect.

14
15 Robert S. Charlap, M.D.
16 Robert S. Charlap, M.D.

Dated: 5/20/08

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 31256 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-04-1339A after receiving information on or about November 4, 2004 from the Medical Board of California ("California Board") that disciplinary action had been taken against Respondent.

4. On or about March 22, 2002 the California Board filed an Accusation against Respondent alleging gross negligence, repeated negligence, incompetence, failure to maintain adequate and accurate records, false statements in medical records, dishonest acts, and unprofessional conduct in performing and interpreting nerve conduction studies on seven patients.

5. On or about April 2, 2002 Respondent signed and notarized initial application for licensure with the Arizona Medical Board (AMB), stating he was not currently under investigation by any Medical Board or peer review body. The AMB received correspondence from the California Medical Board documenting Respondent's California license was under investigation but that notice was not served on Respondent until May 8, 2002.

6. On or about October 28, 2002 Respondent entered into a Stipulated Settlement and Disciplinary Order ("Order") with the California Board which states that "Respondent admits that in the matter proceeded to hearing, a prima facie case could be established for all cases of action with the exception of the allegations pertaining to Medi-Cal billing and fraud." The California Board revoked Respondent's California license, but stayed the revocation and placed him on probation for three years.

1 7. On or about September 12, 2004 Respondent signed and dated his renewal
2 application for licensure with the AMB. He answered "YES" to the question: "Other than
3 in Arizona, since your last renewal have you had a medical license disciplined resulting in
4 revocation, suspension, limitation, restricted, probation, voluntary surrender or cancellation
5 during an investigation?" Respondent failed to disclose that his California license was
6 revoked, with revocation stayed pending successful completion of probationary terms and
7 conditions.

8 8. Also, Respondent answered "NO" to the question: "Since your last renewal
9 have you been subjected to any regulatory disciplinary action, including censure, practice
10 restriction, suspension, or removal from practice, imposed by any agency of the federal or
11 state government?" Respondent failed to disclose that while on probation, he is prohibited
12 from supervising Physician Assistants. Respondent did not attach a copy of his Decision
13 and Order from the California Medical Board.

14 9. The Board believes that by answering "NO" Respondent knowingly made a
15 false statement to the Board and procured his license by fraud or misrepresentation.

16 10. Respondent admits to the acts described in paragraphs 1-6, above.

17 **CONCLUSIONS OF LAW**

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.

20 2. The Board finds a violation of A.R.S. §32-1401(o) ("Action that is taken
21 against a doctor of medicine by another licensing or regulatory jurisdiction due to that
22 doctor's mental or physical inability to engage safely in the practice of medicine, the
23 doctor's medical in-competence or for unprofessional conduct as defined by that
24 jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct
25 prescribed by this paragraph. The action taken may include refusing, denying, revoking or

1 suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction,
2 otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a
3 licensee on probation by that jurisdiction.")

4 3. The Board possesses statutory authority to enter into a consent agreement
5 with a physician pursuant to A.R.S. § 32-1451(T)(2).
6

7 **ORDER**

8 IT IS HEREBY ORDERED THAT License Number 31256, issued to Robert S.
9 Charlap, M.D. for the practice of allopathic medicine in the State of Arizona, is surrendered
10 and that Robert S. Charlap, M.D. immediately return his wallet card and certificate of
11 licensure to the Board.

12 DATED and effective this 11th day of August, 2008.
13

14 ARIZONA MEDICAL BOARD

15
16 (SEAL)



By: *Lisa S. Wynn*

LISA S. WYNN
Executive Director

1 ORIGINAL of the foregoing filed this
2 day of July, 2008 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed
7 this 17th day of July, 2008 to:

8 EXECUTED COPY of the foregoing mailed
9 this 17th day of July, 2008 to:

10 Robert S. Charlap, M.D.
11 Address of Record

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13 Investigational Review
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